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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RONAL LOPEZ-SUASTEGUI,

14 Defendant.

Case No. 2:20-mj-00488-NJK

**Stipulation To Extend Deadlines To
Conduct Preliminary Hearing And
File Indictment**

(Third Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between
17 Nicholas A. Trutanich, United States Attorney, and Kimberly Frayn, Assistant United
18 States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal
19 Public Defender, and Raquel Lazo, Assistant Federal Public Defender, counsel for
20 Ronal Lopez-Suastegui, that the Court reschedule the preliminary hearing in this case for no
21 earlier than seventy-five (75) days from the date of the filing of this stipulation. This request
22 requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within
23 14 days of a detained defendant's initial appearance, see Fed. R. Crim. P. 5.1(c); and (2) that
24 an information or indictment be filed within 30 days of a defendant's arrest, see 18 U.S.C.
25 § 3161(b).
26

1 The Stipulation is entered into for the following reasons:

2 1. The government has made a plea offer in this case that requires defendant to
3 waive specific rights and hearings in exchange for “fast-track” downward departure under
4 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is
5 indicted and before a preliminary hearing is held.

6 2. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
7 preliminary hearing within a reasonable time, but no later than 14 days after the initial
8 appearance if the defendant is in custody”

9 3. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
10 showing of good cause—taking into account the public interest in the prompt disposition of
11 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times
12”

13 4. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
14 information or indictment charging an individual with the commission of an offense shall be
15 filed within thirty days from the date on which such individual was arrested or served with a
16 summons in connection with such charges.”

17 5. Defendant has entered into a fast-track plea agreement. An arraignment and plea
18 and sentencing hearing is currently scheduled for December 3, 2020. There is a possibility that
19 this date gets continued due to a conflict with counsels’ schedules. The requested continuance
20 is necessary to permit sufficient time for the hearing to be held.

21 6. Accordingly, the parties jointly request that the Court reschedule the preliminary
22 hearing in this case no sooner than 75 days from today’s date.

23 7. Defendant is in custody and agrees to the extension of the preliminary hearing
24 deadline imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18
25 U.S.C. § 3161(b), provided that the information or indictment is filed on or before the date
26 ordered pursuant to this stipulation.

8. The parties agree to the extension of that deadline.

9. This extension supports the public interest in the prompt disposition of criminal cases by permitting defendant to consider entering into a plea agreement under the United States Attorney's Office's fast-track program for § 1326 defendants.

10. Accordingly, the additional time requested by this stipulation is allowed under Federal Rule of Criminal Procedure 5.1(d).

11. In addition, the parties stipulate and agree that the time between today and the scheduled preliminary hearing is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

This is the third request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 13th day of November 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Raquel Lazo
By _____
RAQUEL LAZO
Assistant Federal Public Defender

/s/ Kimberly Frayn
By _____
KIMBERLY FRAYN
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONAL LOPEZ-SUASTEGUI,

Defendant.

Case No. 2:20-mj-00488-NJK

**Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS ORDERED that the preliminary hearing currently scheduled for Thursday, November 30, 2020 at 4:00 p.m., be vacated and continued to February 17, 2021 at 4:00 p.m.

DATED this 13th day of November 2020.


UNITED STATES MAGISTRATE JUDGE